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TO: Natural Resources Board Members

FROM: Scott Hassett

SUBJECT: Authorization for public hearings on proposed deer season regulations and permit issuance procedures for the 2006 deer hunting seasons (WM-29-05).

I am requesting that the Natural Resources Board authorize the department to hold public hearings on WM-29-05, a rule package that includes modifications to NR Chapters 10 and 45, Wis. Adm. Code, pertaining to deer hunting.

Background:

Currently, deer management units are annually placed into a three tier deer hunting season structure that can be implemented based on estimates of the deer population relative to goal levels.

Regular Units:

- 1) Regular structure (bucks plus quota). If Deer Management Unit (DMU) hunting history and population estimates indicate that adequate antlerless harvest can be achieved with the regular bow season and a 9-day gun hunt, DMUs are included in the regular season structure. Under this structure, gun hunters must apply for a Hunter's Choice authorization. If drawn, the hunter receives a post card which makes the regular gun deer carcass tag valid for a deer of either sex. Any unused hunter's choice quota is made available as bonus tags for sale over-the-counter until the quota is met.

Herd Control Units:

- 2) Zone T seasons may be used if the department determines, based on harvest history, that a regular season of buck plus quota will not bring the population to within 20% of the over-winter goal.

The Zone T season framework provides an either-sex season with an extra free tag for each archery and gun license and two extra free tags for a conservation patron license. Zone T units south of Hwy. 8 have 4-day antlerless only hunts in October and December, adding eight extra days of gun hunting (17 days total). Zone T units north of Hwy. 8 have a 4-day antlerless only hunt in October, adding four extra days (13 days of gun hunting).

- 3) If after two years of Zone T, the population is still not within 20% of goal, and it is determined that a third year will not likely bring the population to within 20% of the over winter goal, Earn-A-Buck (EAB) regulations may be applied. Under EAB regulations, an antlerless deer must be harvested before an antlered deer may be harvested.

Herd control seasons (EAB and Zone T) were developed and supported by the Deer 2000 and Beyond Herd Size Study Group with extensive public input. The recommendations were endorsed by the Conservation Congress and Natural Resources Board and were implemented through Administrative Code in 2001 (Rule order WM-40-00).

Zone T history

The 4-day October antlerless deer gun hunt (Zone T) has been a season option used since 1996. The antlerless:antlered harvest ratio for 2000-2004 averages 1.76:1 under the Zone T structure. Under the regular 9-day bucks-plus-quota structure the average antlerless:antlered harvest ratio is 1.1:1.

- In Zone T units, an average of 15.4% of the total antlerless harvest was taken during the 4-day October hunt 2000-2004.
- The antlerless harvest in Zone T units with a December hunt has been about 4.0% of the total antlerless gun harvest.
- The October Zone T hunt when widely open throughout the state is the second most popular gun hunting opportunity available. Only the November 9-day has higher participation.

Earn-A-Buck

Last fall (2004) was the first deer season since 1996 where Earn-A-Buck season regulations were in effect for select deer management units (outside of CWD zones). EAB likely has a greater impact on private lands because it is mandatory for all hunters.

- The number of antlered deer harvested generally decreases by 40%
- The number of antlerless harvested increases dramatically (52.0% in EAB units in 2004).
- On average the antlerless:antlered harvest ratio in 2004 EAB units was 3.4:1

Concern for removing herd reduction tools

The department is concerned that the deer population statewide is likely to increase without the October Zone T hunt. Over the past decade, in many units, the population continued to increase even with October Zone T hunt. A rising deer population has several implications including:

- Increased crop damage to Wisconsin farmers which exceeded \$2.4 million in 2003.
- Deer-vehicle crashes will likely increase. Car-deer crashes as a percentage of all motor vehicle crashes have steadily increased in the past 20 years.
- Impact to forest regeneration and the forestry industry does not appear to be significant at current population goals. However, deer populations substantially above goals (as is currently the case) may have serious impacts on forest regeneration and the forest industry.
- Increased risk of disease transmission.
- Deer populations above tolerable levels will reduce the value of deer and hunters to society.

Due to these concerns and the statutory requirement placed on the department for deer herd control, the proposal has been carefully developed to ensure that if the antlerless deer harvest in herd control units is not as effective as the current Zone T format is, the change will sunset back to a 4-day October antlerless deer gun hunt beginning on the Thursday nearest Oct 15 in DMUs where a regular buck plus quota season would not bring the population down to within 20% of goal. The sunset provision allows the use of this trial change in hunting season structure while retaining the department's ability to fulfill its mandated herd control responsibilities. We do not believe it would be appropriate to recommend or implement any permanent change without a demonstrated effect that is at least as effective at herd control as the tools currently available.

Genesis of change

Several processes have helped to shape this package of recommendations. In March of this year, the NRB asked the department to review the October gun hunt dates and develop a rule proposal that moves the start date earlier in the month to get it away from the rut period. The Conservation Congress Executive Council proposed several changes to deer seasons on the spring 2005 questionnaire which received majority public support. In 2004, Secretary Hassett appointed a “Deer Streamlining Team” to “*Simplify deer harvest management to make it user friendly while balancing science and enforceability needs.*” At the completion of the “Deer 2000” project many hunting season changes were implemented, however, some important pieces were not addressed for various reasons.

Because interest and stakeholder involvement has been high recently and due to the NRB request, the department developed this proposal to expand hunting opportunity; decrease confusion over multiple tags, season dates, and unit specific regulations; increase the flexibility and effectiveness of herd control – while easing the burden to hunters; and develop proposals presented and supported at the spring hearings. The department invited a wide variety of stakeholder and conservation groups to assist in crafting this proposal and bringing consensus to these changes.

There are several sections in this rule that are the result of the work listed above. Not all ideas or all facets of any one recommendation were included. Our responsibility is to develop rules that are a balance of hunting opportunity, hunter desires, deer population goals, stakeholder interests, and herd control needs. Certainly, none of these recommended changes will be perfect for any one segment of stakeholders involved, but we have attempted to make a careful balance in these recommendations.

Expected Controversy

Deer season structures that are a balance of hunting opportunity, hunter desires, deer population goals, stakeholder interests, and herd control needs are bound to generate controversy. We anticipate that there could be a strong segment of hunters opposed to these recommended changes; those who enjoy the October gun hunt. Also, there are stakeholders who strongly believe in the need for more herd control and will see this proposal as a lapse in herd control rather than a trial of new tools. In the past, northern Wisconsin snowmobilers have been strongly opposed to December gun deer hunting due to the possibility that trails could be open in early December. This, however, has been true only in a limited number of years over the long term. We believe that the opportunity to harvest additional antlerless deer and control populations is a greater benefit because deer are likely a greater threat to snowmobiler health than deer hunters or deer hunting. The cost (to snowmobilers) of sharing the woods for 4 days in early December with gun deer hunters is, we believe, outweighed by the benefits of herd control and getting deer populations moving toward goal.

Population Goals

Statewide, the deer population is still well above goal. However, in many DMUs, the deer population is declining toward the overwinter goals due to deliberate management efforts. Our objectives are to manage deer populations in each unit toward or at the goal described in Administrative Code, and to provide a hunting opportunity that carefully balances the science and sociology of hunting and managing deer populations as required in s. NR 1.15(2)(a) “*Deer population goals.* The department shall seek to maintain a deer herd in balance with its range and at deer population goals reasonably compatible with social, economic and ecosystem management objectives for each deer management unit.”

Rule proposal:

Substantial work with hunting, agriculture, conservation, and other user groups has been undertaken in developing consensus in bringing this package forward. The department recommends public hearing on this rule which includes a trial moratorium on the October gun hunt for 2 years (with a sunset provision and other rule changes below (changes are bolded):

- 1) **There will be a 2-day youth either sex gun hunt in September (opening 7 days after the bow season opens). A mentor will be required to accompany a youth (only the youth will be allowed to carry a gun) and the youth hunter will be required to place their regular buck deer carcass tag on an antlered buck (only one buck per youth hunter). Youth hunters would be allowed to harvest as many antlerless deer as they have valid tags for.**
- 2) **The late archery season will close the Sunday nearest January 6th.** This change will ensure that the late bow season will be open during the New Year's holiday every year.
- 3) There will be a **statewide** 4-day antlerless gun hunt beginning on the 2nd Thursday following the Thanksgiving holiday. **The hunt will be open in all units to anyone with a valid antlerless deer permit.**
- 4) In herd control units (currently Zone-T and EAB units) antlerless tags will be unrestricted. The first antlerless tag is free with the purchase of a gun and archery license. **Additional tags will be available for a minimal handling fee (\$2 unless purchased on-line or over the phone in which case the standard processing fee (\$3) will be applied in addition to the \$2).**
- 5) The archery license would **come with two tags valid statewide: one valid for one antlered deer only and the other valid for antlerless only.** This change will retain the either sex hunt option for archery while simplifying tagging options. There will be only two types of tags: buck and antlerless. There will be no more either sex tags – except for two very limited exceptions.
- 6) **The Hunter's Choice program would be replaced by the sale of antlerless tags valid in limited quota (regular) units as additional deer. Antlerless permits would be sold first come, first serve for \$12 each (\$20 for non-residents). Tags would be available on August 1st for purchase at a rate of one per hunter per day.**
- 7) **There would be no October 4-day antlerless only hunt outside CWD zones in 2006 and 2007. (In the event that the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 in 2006, the rule may immediately sunset.)** In the event that inadequate herd control is realized as a result of this trial, the 4-day October antlerless deer gun hunt would return in 2008. The start date would be the Thursday nearest October 15 and it would occur in DMUs where a regular season of buck plus quota will not bring the population to within 20% of the over-winter goal.
- 8) The Earn-A-Buck season structure would be an available tool (in 2006 and 2007) for recommendation to the Natural Resources Board based on the criteria currently used **(EAB pre-qualification will be implemented).**
- 9) **A first come-first served system to sell bonus tags as the deer hunting access permission on state parks open to hunting.**
- 10) None of these proposed changes apply to the CWD Zones or season structures.

Evaluation of effectiveness

DNR support for not having an October hunt in the above package is dependent upon a thorough evaluation of the antlerless harvest changes that occur. For two years (2006 and 2007), the department will carefully monitor the kill and the effects to the population in both regular and herd control units. After each season staff will evaluate the harvest and resulting population changes in relation to the population goals, and report to the Natural Resources Board. Deer population changes statewide and at regional and unit specific levels will be monitored to determine whether to extend the 2-year test for a longer period of time. Public opinion toward these changes will also be monitored. During the test, the department will continue to consider and recommend EAB based on current criteria.

If either of the criteria below are not fully met, the department will ask NRB to allow the rule to expire.

Criteria 1: The average antlerless:antlered harvest ratio in herd control units must meet or exceed 2.0 in all deer management regions (Figure 1).

Criteria 2: All sections of the proposed season structure must be implemented.

Due to concerns that rapid herd growth can occur in many DMUs if minimal antlerless deer harvest is not met, a one-year sunset criteria is included. If the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 antlerless deer per antlered buck in 2006, the Department may ask the Natural Resources Board to immediately sunset the rule.

Fiscal implications

We estimate that revenue will decrease \$135,000 with the discontinuation of the hunter's choice system (5-yr average of 45,000 Non-Conservation Patron hunter's choice applicants). However, the cost of administering the hunter's choice drawing, printing and mailing the post cards would be eliminated, reducing the impact of this revenue decrease. Revenue is estimated to decrease by approximately \$455,000 due to free (for the handling fee) carcass tags in the herd control units. However, if we assume that hunters who received a hunter's choice now purchase a bonus permit, revenue will increase by over \$1,000,000 per year (5-yr average of over 86,000 hunter's choice recipients). The net impact of this proposal is estimated to be a net gain to the Agricultural Damage account of approximately \$430,000.

Season option effects on Chippewa Tribes

The department has informed the Great Lakes Indian Fish and Wildlife Commission of the options being considered for the 2006 deer seasons in ceded territory. The Voigt Intertribal Task Force (VITF) has not yet had an opportunity to respond. However, these changes do not functionally alter our system of deer population management based on regulating antlerless deer harvest to achieve population goals.

Implementation

If the antlerless:antlered deer harvest ratio in herd control units during the 2006 and 2007 seasons in a region meets or exceeds the criteria above, the rule sunset clause may be extended in that region for one year and reviewed at the end of each year. The continuing average antlerless:antlered deer harvest ratio in herd control units must remain above 2.0 in each region in order for sunset extension to be considered.

The ramifications of this change to deer populations have the potential to be significant. If antlerless deer harvest in herd control units fails to meet that of previous October hunts, the department expects the need to recommend widespread use of EAB season structure at the end of the trial.

This structure is a test of the effectiveness of free herd control tags and a statewide December gun hunt in fully replacing the antlerless deer harvest realized during the October Zone T hunts. The rule will sunset to a 4-day October antlerless gun hunt starting the Thursday nearest October 15 in units identified based on the criteria currently in Administrative Code (NR 10.01 (3)(ez)2.) immediately at the end of this test (the term of the test ends with the end of the 2007 deer season) unless there is evidence that unequivocally demonstrates that the new season structure is at least as effective for population control as the current Zone T structure.

EAB pre-authorization will be implemented with a system of electronic tracking of registration stubs by using a contractor to key in information from stubs that will be mailed to them from registration stations. Under this protocol, a hunter would be issued a buck authorization only if and when the unit they harvested an

antlerless deer in becomes an EAB unit in the year immediately following the harvest of an antlerless deer. With the electronic database of registrations, buck stickers can be mailed to hunters when EAB is approved. "Pre-authorization" has been a frequent request of hunters and hunting groups in response to EAB implementation. Further, without an October hunt (at least for 2006 and 2007), pre-authorization will facilitate implementation of the necessary EAB seasons.

Public Hearings and Timeline:

We anticipate holding 6 to 10 public hearings throughout the state to collect opinion and comments on these proposed changes. The timeline for implementing these changes is tight. Public hearings would be held in September and October. We anticipate asking for NRB adoption of a final rule proposal at the December 2005 meeting. Legislative review will be during December, January, and February 2006. The Effective date of the changes would be May 2006 and regulation publication in June.

Rule Development:

These rules were developed with the assistance of the Bureaus of Law Enforcement, Customer Service and Licensing, Parks and Recreation, and Legal Services.

Small Business and Initial Regulatory Flexibility Analysis:

The revision to NR Chs. 10 and 45, Wis. Adm. Code, pertain to rules that relate to deer hunting and permit issuance. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

The effects of Wisconsin's current deer management system, including Deer Management Units (DMUs) and population goals, were analyzed in an environmental analysis completed in 1995. This proposed rule order does not include changes to existing DMUs or population goals, rather it proposes changes to the system by which deer seasons are implemented and how permits are issued to achieve the recommended population goals developed under the guidance of the completed environmental assessment. Therefore, it has been determined that these rule revisions to NR Chs. 10 and 45, Wis. Adm. Code, are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Figure 1.

Deer Management Regions

